

reserve officers, added items for chapters 35 and 36, substituted “Reserve Components: Standards and Procedures for Retention and Promotion” for “Retention of Reserves” in item for chapter 51, added item for chapter 60, substituted “1251” for “1255” as section number in item for chapter 63, substituted “Retirement of Warrant Officers” for “Retirement” in item for chapter 65, substituted “1370” for “1371” as section number in item for chapter 69, and amended item for chapter 73 to read: “Annuities Based on Retired or Retainer Pay”.

1972—Pub. L. 92-425, §2, Sept. 21, 1972, 86 Stat. 711, amended item for chapter 73 by inserting “; Survivor Benefit Plan” after “Pay” which could not be executed as directed in view of amendment by Pub. L. 87-381. See 1961 Amendment note below.

1968—Pub. L. 90-377, §2, July 5, 1968, 82 Stat. 288, added item for chapter 48.

1967—Pub. L. 90-83, §3(2), Sept. 11, 1967, 81 Stat. 220, struck out item for chapter 80 “Exemplary Rehabilitation Certificates”.

1966—Pub. L. 89-690, §2, Oct. 15, 1966, 80 Stat. 1017, added item for chapter 80.

1962—Pub. L. 87-649, §3(2), Sept. 7, 1962, 76 Stat. 493, added item for chapter 40.

1961—Pub. L. 87-381, §1(2), Oct. 4, 1961, 75 Stat. 810, substituted “Retired Servicemen’s Family Protection Plan” for “Annuities Based on Retired or Retainer Pay” in item for chapter 73.

1958—Pub. L. 85-861, §§1(21), (26), (33), 33(a)(4)(B), Sept. 2, 1958, 72 Stat. 1443, 1450, 1455, 1564, substituted “General Service Requirements” for “Service Requirements for Reserves” in item for chapter 37, “971” for “[No present sections]” in item for chapter 49, “Medical and Dental Care” for “Voting by Members of Armed Forces” in item for chapter 55, and struck out “Care of the Dead” and substituted “1475” for “1481” in item for chapter 75.

## CHAPTER 31—ENLISTMENTS

- Sec. 501. Definition.
- 502. Enlistment oath; who may administer.
- 503. Enlistments: recruiting campaigns; compilation of directory information.
- 504. Persons not qualified.
- 505. Regular components: qualifications, term, grade.
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- 511. College First Program.
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- 516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman.
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- 518. Temporary enlistments.
- 519. Temporary enlistments: during war or emergency.
- 520. Limitation on enlistment and induction of persons whose score on the Armed Forces Qualification Test is below a prescribed level.
- [520a. Repealed.]
- 520b. Applicants for enlistment: authority to use funds for the issue of authorized articles.
- 520c. Recruiting functions: provision of meals and refreshments.

### AMENDMENTS

2004—Pub. L. 108-375, div. A, title V, §551(a)(2), Oct. 28, 2004, 118 Stat. 1911, added item 511.

2003—Pub. L. 108-136, div. A, title X, §1031(a)(8)(B), Nov. 24, 2003, 117 Stat. 1597, substituted “provision of meals and refreshments” for “use of funds” in item 520c.

2002—Pub. L. 107-314, div. A, title V, §531(a)(2), Dec. 2, 2002, 116 Stat. 2544, added item 510.

2000—Pub. L. 106-398, §1 [[div. A], title X, §1076(g)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-282, struck out item 520a “Criminal history information for military recruiting purposes”.

1996—Pub. L. 104-201, div. A, title III, §361(b), Sept. 23, 1996, 110 Stat. 2491, added item 520c.

1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(3), Oct. 5, 1994, 108 Stat. 3013, as amended by Pub. L. 104-106, div. A, title XV, §1501(a)(8)(A), Feb. 10, 1996, 110 Stat. 495, struck out items 510 “Reserve components: qualifications”, 511 “Reserve components: terms”, and 512 “Reserve components: transfers”.

1989—Pub. L. 101-189, div. A, title V, §501(a)(2), Nov. 29, 1989, 103 Stat. 1435, added item 513.

1985—Pub. L. 99-145, title XIII, §1303(a)(4)(B), Nov. 8, 1985, 99 Stat. 738, substituted “enlistment” for “enlistments” in item 520b.

1984—Pub. L. 98-525, title XIV, §1401(a)(2), Oct. 19, 1984, 98 Stat. 2614, added item 520b.

1982—Pub. L. 97-252, title XI, §1114(b)(3), (c)(2), Sept. 8, 1982, 96 Stat. 749, 750, inserted “; compilation of directory information” in item 503, and added item 520a.

1980—Pub. L. 96-342, title III, §302(b)(2), Sept. 8, 1980, 94 Stat. 1083, added item 520.

1968—Pub. L. 90-623, §2(2), Oct. 22, 1968, 82 Stat. 1314, struck out “or national emergency” after “extension of enlistments during war” in item 506.

Pub. L. 90-235, §2(a)(1)(C), Jan. 2, 1968, 81 Stat. 755, redesignated item 501 as 502, and added items 501, 503 to 509, 518 and 519.

1962—Pub. L. 87-649, §2(2), Sept. 7, 1962, 76 Stat. 492, added item 517.

1958—Pub. L. 85-861, §1(9)(B), (C), Sept. 2, 1958, 72 Stat. 1440, struck out item 513 “Reserve components: promotions” and added item 516.

### § 501. Definition

In this chapter “enlistment” means original enlistment or reenlistment.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 753.)

#### PRIOR PROVISIONS

A prior section 501 was renumbered 502 of this title.

### § 502. Enlistment oath: who may administer

(a) ENLISTMENT OATH.—Each person enlisting in an armed force shall take the following oath:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.”

(b) WHO MAY ADMINISTER.—The oath may be taken before the President, the Vice-President, the Secretary of Defense, any commissioned officer, or any other person designated under regulations prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 17, §501; Pub. L. 87-751, §1, Oct. 5, 1962, 76 Stat. 748; renumbered §502, Pub. L. 90-235, §2(a)(1)(A), Jan. 2, 1968, 81 Stat. 753; Pub. L. 101-189, div. A, title VI, §653(a)(1), Nov. 29, 1989, 103 Stat. 1462; Pub. L.

109-364, div. A, title V, §595(a), Oct. 17, 2006, 120 Stat. 2235.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
501 .....	50:737.	May 5, 1950, ch. 169, § 8, 64 Stat. 146.

The words “or affirmation” are omitted as covered by the definition of the word “oath” in section 1 of title 1. The words “of any armed force” are inserted in the last sentence, since they are necessarily implied by their use in the source statute.

#### REFERENCES IN TEXT

The Uniform Code of Military Justice, referred to in the oath, is classified to chapter 47 (§801 et seq.) of this title.

#### AMENDMENTS

2006—Pub. L. 109-364 designated existing provisions as subsec. (a), inserted heading, struck out concluding provisions which read as follows: “This oath may be taken before any commissioned officer of any armed force.”, and added subsec. (b).

1989—Pub. L. 101-189 struck out “or affirmation” after “This oath”.

1962—Pub. L. 87-751 substituted “support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same” for “bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever” and inserted “So help me God” in the oath, and “or affirmation” in text.

#### EFFECTIVE DATE OF 1962 AMENDMENT

Section 3 of Pub. L. 87-751 provided that: “This Act [amending this section and section 304 of Title 32, National Guard] does not affect any oath taken before one year after its enactment [Oct. 5, 1962].”

### § 503. Enlistments; recruiting campaigns; compilation of directory information

(a) RECRUITING CAMPAIGNS.—(1) The Secretary concerned shall conduct intensive recruiting campaigns to obtain enlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, and Regular Coast Guard.

(2) The Secretary of Defense shall act on a continuing basis to enhance the effectiveness of recruitment programs of the Department of Defense (including programs conducted jointly and programs conducted by the separate armed forces) through an aggressive program of advertising and market research targeted at prospective recruits for the armed forces and those who may influence prospective recruits. Subchapter I of chapter 35 of title 44 shall not apply to actions taken as part of that program.

(b) COMPILATION OF DIRECTORY INFORMATION.—(1) The Secretary of Defense may collect and compile directory information pertaining to each student who is 17 years of age or older or in the eleventh grade (or its equivalent) or higher and who is enrolled in a secondary school in the United States or its territories, possessions, or the Commonwealth of Puerto Rico.

(2) The Secretary may make directory information collected and compiled under this subsection available to the armed forces for military recruiting purposes. Such information may not be disclosed for any other purpose.

(3) Directory information pertaining to any person may not be maintained for more than 3 years after the date the information pertaining to such person is first collected and compiled under this subsection.

(4) Directory information collected and compiled under this subsection shall be confidential, and a person who has had access to such information may not disclose such information except for the purposes described in paragraph (2).

(5) The Secretary of Defense shall prescribe regulations to carry out this subsection. Regulations prescribed under this subsection shall be submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. Regulations prescribed by the Secretaries concerned to carry out this subsection shall be as uniform as practicable.

(6) Nothing in this subsection shall be construed as requiring, or authorizing the Secretary of Defense to require, that any educational institution furnish directory information to the Secretary.

(c) ACCESS TO SECONDARY SCHOOLS.—(1)(A) Each local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965—

(i) shall provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and

(ii) shall, upon a request made by military recruiters for military recruiting purposes, provide access to secondary school student names, addresses, and telephone listings, notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)).

(B) A local educational agency may not release a student's name, address, and telephone listing under subparagraph (A)(ii) without the prior written consent of a parent of the student if the student, or a parent of the student, has submitted a request to the local educational agency that the student's information not be released for a purpose covered by that subparagraph without prior written parental consent. Each local educational agency shall notify parents of the rights provided under the preceding sentence.

(2) If a local educational agency denies a request by the Department of Defense for recruiting access, the Secretary of Defense, in cooperation with the Secretary of the military department concerned, shall designate an officer in a grade not below the grade of colonel or, in the case of the Navy, captain, or a senior executive of that military department to meet with representatives of that local educational agency in person, at the offices of that agency, for the purpose of arranging for recruiting access. The designated officer or senior executive shall seek to have that meeting within 120 days of the date of the denial of the request for recruiting access.

(3) If, after a meeting under paragraph (2) with representatives of a local educational agency that has denied a request for recruiting access or (if the educational agency declines a request for the meeting) after the end of such 120-day pe-

riod, the Secretary of Defense determines that the agency continues to deny recruiting access, the Secretary shall transmit to the chief executive of the State in which the agency is located a notification of the denial of recruiting access and a request for assistance in obtaining that access. The notification shall be transmitted within 60 days after the date of the determination. The Secretary shall provide to the Secretary of Education a copy of such notification and any other communication between the Secretary and that chief executive with respect to such access.

(4) If a local educational agency continues to deny recruiting access one year after the date of the transmittal of a notification regarding that agency under paragraph (3), the Secretary—

(A) shall determine whether the agency denies recruiting access to at least two of the armed forces (other than the Coast Guard when it is not operating as a service in the Navy); and

(B) upon making an affirmative determination under subparagraph (A), shall transmit a notification of the denial of recruiting access to—

- (i) the specified congressional committees;
- (ii) the Senators of the State in which the local educational agency is located; and
- (iii) the member of the House of Representatives who represents the district in which the local educational agency is located.

(5) The requirements of this subsection do not apply to a private secondary school that maintains a religious objection to service in the armed forces and which objection is verifiable through the corporate or other organizational documents or materials of that school.

(6) In this subsection:

(A) The term “local educational agency” means—

- (i) a local educational agency, within the meaning of that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and
- (ii) a private secondary school.

(B) The term “recruiting access” means access requested as described in paragraph (1).

(C) The term “senior executive” has the meaning given that term in section 3132(a)(3) of title 5.

(D) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(E) The term “specified congressional committees” means the following:

- (i) The Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate.
- (ii) The Committee on Armed Services and the Committee on Education and the Workforce of the House of Representatives.

(F) The term “member of the House of Representatives” includes a Delegate or Resident Commissioner to Congress.

(d) DIRECTORY INFORMATION DEFINED.—In this section, the term “directory information” has the meaning given that term in subsection (a)(5)(A) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754; amended Pub. L. 97-252, title XI, §1114(b)(1), (2), Sept. 8, 1982, 96 Stat. 749; Pub. L. 104-106, div. A, title XV, §1502(a)(1), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title V, §571, title X, §1067(1), Oct. 5, 1999, 113 Stat. 622, 774; Pub. L. 106-398, §1 [[div. A], title V, §§562, 563(a)-(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-131 to 1654A-133; Pub. L. 107-107, div. A, title V, §544(a), title X, §1048(a)(5)(A), Dec. 28, 2001, 115 Stat. 1112, 1222; Pub. L. 108-136, div. A, title V, §543, Nov. 24, 2003, 117 Stat. 1478; Pub. L. 108-375, div. A, title X, §1084(d)(5), Oct. 28, 2004, 118 Stat. 2061.)

#### REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (c)(1)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended, which is classified generally to chapter 70 (§6301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

#### AMENDMENTS

2004—Subsec. (c)(1)(B). Pub. L. 108-375 substituted “educational” for “education” after “Each local”.

2003—Subsec. (c)(5). Pub. L. 108-136, §543(a), substituted “apply to a private secondary school that” for “apply to—

“(A) a local educational agency with respect to access to secondary school students or access to directory information concerning such students for any period during which there is in effect a policy of that agency, established by majority vote of the governing body of the agency, to deny recruiting access to those students or to that directory information, respectively; or

“(B) a private secondary school which”.

Subsec. (c)(6)(A)(i). Pub. L. 108-136, §543(b), substituted “9101” and “7801” for “14101” and “8801”, respectively.

2001—Subsec. (c). Pub. L. 107-107, §544(a), reenacted heading without change and amended text of par. (1) generally. Prior to amendment, par. (1) read as follows: “Each local educational agency shall (except as provided under paragraph (5)) provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.”

Subsec. (c)(6)(A)(i). Pub. L. 107-107, §1048(a)(5)(A), substituted “14101” for “14101(18)” and “8801” for “8801(18)”.

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title V, §§562, 563(c)(1)], inserted heading, designated existing provisions as par. (1), and added par. (2).

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title V, §563(c)(2)], inserted heading.

Subsec. (b)(7). Pub. L. 106-398, §1 [[div. A], title V, §563(b)(1)], struck out par. (7) which read as follows: “In this subsection, ‘directory information’ means, with respect to a student, the student’s name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational agency or institution attended by the student.”

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title V, §563(a)], amended subsec. (c) generally. Prior to amend-

ment, subsec. (c) read as follows: “Each local educational agency is requested to provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.”

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title V, §563(b)(2)], added subsec. (d).

1999—Subsec. (b)(5). Pub. L. 106-65, §1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

Subsec. (c). Pub. L. 106-65, §571, added subsec. (c).

1996—Subsec. (b)(5). Pub. L. 104-106 substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

1982—Pub. L. 97-252, §1114(b)(2), inserted “; compilation of directory information” in section catchline.

Subsec. (a). Pub. L. 97-252, §1114(b)(1)(A), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 97-252, §1114(b)(1)(B), added subsec. (b).

#### CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, §544(b), Dec. 28, 2001, 115 Stat. 1113, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on July 1, 2002, immediately after the amendment to section 503(c) of title 10, United States Code, made, effective that date, by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-131).”

Pub. L. 107-107, div. A, title X, §1048(a)(5)(B), Dec. 28, 2001, 115 Stat. 1222, provided that: “The amendment made by subparagraph (A) [amending this section] shall take effect on July 1, 2002, immediately after the amendment to such section [this section] effective that date by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-131).”

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title V, §563(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-133, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on July 1, 2002.”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### RECRUITMENT AND ENLISTMENT OF HOME-SCHOOLED STUDENTS IN THE ARMED FORCES

Pub. L. 109-163, div. A, title V, §591, Jan. 6, 2006, 119 Stat. 3280, provided that:

“(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

“(1) POLICY REQUIRED.—The Secretary of Defense shall prescribe a policy on the recruitment and enlistment of home-schooled students in the Armed Forces.

“(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary shall ensure that the policy prescribed under paragraph (1) applies, to the extent practicable, uniformly across the Armed Forces.

“(b) ELEMENTS.—The policy under subsection (a) shall include the following:

“(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

“(2) A communication plan to ensure that the policy described in subsection (c) is understood by recruiting officials of all the Armed Forces, to include field recruiters at the lowest level of command.

“(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or an equivalent (GED) as a precondition for enlistment in the Armed Forces.

“(c) HOME SCHOOL GRADUATES.—In prescribing the policy under subsection (a), the Secretary of Defense shall prescribe a single set of criteria to be used by the Armed Forces in determining whether an individual is a graduate of home schooling. The Secretary concerned shall ensure compliance with education credential coding requirements.

“(d) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ has the meaning given such term in section 101(a)(9) of title 10, United States Code.”

#### TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES

Pub. L. 109-163, div. A, title VI, §681, Jan. 6, 2006, 119 Stat. 3320, as amended by Pub. L. 111-84, div. A, title VI, §621, Oct. 28, 2009, 123 Stat. 2358, provided that:

“(a) AUTHORITY TO DEVELOP AND PROVIDE RECRUITMENT INCENTIVES.—The Secretary of the Army may develop and provide incentives not otherwise authorized by law to encourage individuals to accept commissions as officers or to enlist in the Army.

“(b) RELATION TO OTHER PERSONNEL AUTHORITIES.—A recruitment incentive developed under subsection (a) may be provided—

“(1) without regard to the lack of specific authority for the incentive under title 10 or 37, United States Code; and

“(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

“(A) determining requirements for, and the compensation of, members of the Army who are assigned duty as military recruiters; or

“(B) providing incentives to individuals to accept commissions or enlist in the Army, including the provision of group or individual bonuses, pay, or other incentives.

“(c) WAIVER OF OTHERWISE APPLICABLE LAWS.—A provision of title 10 or 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, the provision of a recruitment incentive developed under subsection (a) without the approval of the Secretary of Defense.

“(d) NOTICE AND WAIT REQUIREMENT.—A recruitment incentive developed under subsection (a) may not be provided to individuals until—

“(1) the Secretary of the Army submits to Congress, the appropriate elements of the Department of Defense, and the Comptroller General a plan that includes—

“(A) a description of the incentive, including the purpose of the incentive and the potential recruits to be addressed by the incentive;

“(B) a description of the provisions of titles 10 and 37, United States Code, from which the incentive would require a waiver and the rationale to support the waiver;

“(C) a statement of the anticipated outcomes as a result of providing the incentive; and

“(D) the method to be used to evaluate the effectiveness of the incentive; and

“(2) a 45-day period beginning on the date on which the plan was received by Congress expires.

“(e) LIMITATION ON NUMBER OF INCENTIVES.—Not more than four recruitment incentives may be provided at the same time under the authority of this section.

“(f) LIMITATION ON NUMBER OF INDIVIDUALS RECEIVING INCENTIVES.—The number of individuals who receive one or more of the recruitment incentives provided under subsection (a) during a fiscal year may not exceed the number of individuals equal to 20 percent of the accession mission of the Army for that fiscal year.

“(g) DURATION OF DEVELOPED INCENTIVE.—A recruitment incentive developed under subsection (a) may be provided for not longer than a three-year period beginning on the date on which the incentive is first provided, except that the Secretary of the Army may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the incentive.

“(h) REPORTING REQUIREMENTS.—

“(1) SECRETARY OF THE ARMY REPORT.—The Secretary of the Army shall submit to Congress an annual report on the recruitment incentives provided under subsection (a) during the preceding year, including—

“(A) a description of the incentives provided under subsection (a) during that fiscal year; and

“(B) an assessment of the impact of the incentives on the recruitment of individuals as officers or enlisted members.

“(2) COMPTROLLER GENERAL REPORT.—As soon as practicable after receipt of each plan under subsection (d), the Comptroller General shall submit to Congress a report evaluating the expected outcomes of the recruitment incentive covered by the plan in terms of cost effectiveness and mission achievement.

“(i) DURATION OF AUTHORITY.—

“(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2012.

“(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.”

#### ENHANCED SCREENING METHODS AND PROCESS IMPROVEMENTS FOR RECRUITMENT OF HOME SCHOOLED AND NATIONAL GUARD CHALLENGE PROGRAM GED RECIPIENTS

Pub. L. 108-375, div. A, title V, § 593, Oct. 28, 2004, 118 Stat. 1934, as amended by Pub. L. 109-364, div. A, title X, § 1071(g)(4), Oct. 17, 2006, 120 Stat. 2402, provided that:

“(a) ENHANCED SCREENING METHODS AND PROCESS IMPROVEMENTS.—(1) The Secretary of the Army shall carry out an initiative—

“(A) to develop screening methods and process improvements for recruiting specified GED recipients so as to achieve attrition patterns, among the GED recipients so recruited, that match attrition patterns for Army recruits who are high school diploma graduates; and

“(B) subject to subsection (b), to implement such screening methods and process improvements on a test basis.

“(2) For purposes of this section, the term ‘specified GED recipients’ means persons who receive a General Educational Development (GED) certificate as a result of home schooling or the completion of a program under the National Guard Challenge program.

“(b) SECRETARY OF DEFENSE REVIEW.—Before the screening methods and process improvements developed under subsection (a)(1) are put into effect under subsection (a)(2), the Secretary of Defense shall review the proposed screening methods and process improvements. Based on such review, the Secretary of Defense either shall approve the use of such screening methods and process improvements for testing (with such modi-

fications as the Secretary may direct) or shall disapprove the use of such methods and process improvements on a test basis.

“(c) SECRETARY OF DEFENSE DECISION.—If the Secretary of Defense determines under subsection (b) that the screening methods and process improvements developed under subsection (a)(1) should be implemented on a test basis, then upon completion of the test period, the Secretary of Defense shall, after reviewing the results of the test program, determine whether the new screening methods and process improvements developed by the Army should be extended throughout the Department for recruit candidates identified by the new procedures to be considered tier 1 recruits.

“(d) REPORTS.—(1) If the Secretary of Defense determines under subsection (b) that the screening methods and process improvements developed under subsection (a)(1) should not be implemented on a test basis, the Secretary of Defense shall, not later than 90 days thereafter, notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of such determination, together with the reasons of the Secretary for such determination.

“(2) If the Secretary of Defense determines under subsection (b) that the screening methods and process improvements developed under subsection (a)(1) should be implemented on a test basis, the Secretary of the Army shall submit to the committees specified in paragraph (1) a report on the results of the testing. The report shall be submitted not later than March 31, 2009, except that if the Secretary of Defense directs an earlier termination of the testing initiative, the Secretary of the Army shall submit the report under this paragraph not later than 180 days after such termination. Such report shall include the determination of the Secretary of Defense under subsection (c). If that determination is that the methods and processes tested should not be extended to the other services, the report shall include the Secretary’s rationale for not recommending such extension.”

#### DEPARTMENT OF DEFENSE JOINT ADVERTISING, MARKET RESEARCH, AND STUDIES PROGRAM

Pub. L. 108-136, div. A, title V, § 548, Nov. 24, 2003, 117 Stat. 1481, provided that:

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a joint advertising, market research, and studies program to complement the recruiting advertising programs of the military departments and improve the ability of the military departments to attract and recruit qualified individuals to serve in the Armed Forces.

“(b) FUNDING.—Of the amount authorized to be appropriated by section 301(5) [117 Stat. 1426] for operation and maintenance for Defense-wide activities, \$7,500,000 may be made available to carry out the joint advertising, market research, and studies program.”

#### NOTIFICATION TO LOCAL EDUCATIONAL AGENCIES

Pub. L. 107-107, div. A, title V, § 544(c), Dec. 28, 2001, 115 Stat. 1113, directed the Secretary of Education to provide to local educational agencies notice of the provisions of subsec. (c) of this section, as amended by Pub. L. 107-107, not later than 120 days after Dec. 28, 2001.

#### ARMY RECRUITING PILOT PROGRAMS

Pub. L. 106-398, § 1 [[div. A], title V, § 561], Oct. 30, 2000, 114 Stat. 1654, 1654A-129, as amended by Pub. L. 107-107, div. A, title V, § 543, Dec. 28, 2001, 115 Stat. 1112, provided that:

“(a) REQUIREMENT FOR PROGRAMS.—The Secretary of the Army shall carry out pilot programs to test various recruiting approaches under this section for the following purposes:

“(1) To assess the effectiveness of the recruiting approaches for creating enhanced opportunities for recruiters to make direct, personal contact with potential recruits.

“(2) To improve the overall effectiveness and efficiency of Army recruiting activities.

“(b) OUTREACH THROUGH MOTOR SPORTS.—(1) One of the pilot programs shall be a pilot program of public outreach that associates the Army with motor sports competitions to achieve the objectives set forth in paragraph (2).

“(2) The events and activities undertaken under the pilot program shall be designed to provide opportunities for Army recruiters to make direct, personal contact with high school students to achieve the following objectives:

“(A) To increase enlistments by students graduating from high school.

“(B) To reduce attrition in the Delayed Entry Program of the Army by sustaining the personal commitment of students who have elected delayed entry into the Army under the program.

“(3) Under the pilot program, the Secretary of the Army shall provide for the following:

“(A) For Army recruiters or other Army personnel—

“(i) to organize Army sponsored career day events in association with national motor sports competitions; and

“(ii) to arrange for or encourage attendance at the competitions by high school students, teachers, guidance counselors, and administrators of high schools located near the competitions.

“(B) For Army recruiters and other soldiers to attend national motor sports competitions—

“(i) to display exhibits depicting the contemporary Army and career opportunities in the Army; and

“(ii) to discuss those opportunities with potential recruits.

“(C) For the Army to sponsor a motor sports racing team as part of an integrated program of recruitment and publicity for the Army.

“(D) For the Army to sponsor motor sports competitions for high school students at which recruiters meet with potential recruits.

“(E) For Army recruiters or other Army personnel to compile in an Internet accessible database the names, addresses, telephone numbers, and electronic mail addresses of persons who are identified as potential recruits through activities under the pilot program.

“(F) Any other activities associated with motor sports competition that the Secretary determines appropriate for Army recruitment purposes.

“(c) OUTREACH AT VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES.—(1) One of the pilot programs shall be a pilot program under which Army recruiters are assigned, as their primary responsibility, at postsecondary vocational institutions and community colleges for the purpose of recruiting students graduating from those institutions and colleges, recent graduates of those institutions and colleges, and students withdrawing from enrollments in those institutions and colleges.

“(2) The Secretary of the Army shall select the institutions and colleges to be invited to participate in the pilot program.

“(3) The conduct of the pilot program at an institution or college shall be subject to an agreement which the Secretary shall enter into with the governing body or authorized official of the institution or college, as the case may be.

“(4) Under the pilot program, the Secretary shall provide for the following:

“(A) For Army recruiters to be placed in postsecondary vocational institutions and community colleges to serve as a resource for guidance counselors and to recruit for the Army.

“(B) For Army recruiters to recruit from among students and graduates described in paragraph (1).

“(C) For the use of telemarketing, direct mail, interactive voice response systems, and Internet website capabilities to assist the recruiters in the postsecondary vocational institutions and community colleges.

“(D) For any other activities that the Secretary determines appropriate for recruitment activities in postsecondary vocational institutions and community colleges.

“(5) In this subsection, the term ‘postsecondary vocational institution’ has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

“(d) CONTRACT RECRUITING INITIATIVES.—(1) One of the pilot programs shall be a program that expands in accordance with this subsection the scope of the Army’s contract recruiting initiatives that are ongoing as of the date of the enactment of this Act [Oct. 30, 2000]. Under the pilot program, the Secretary of the Army shall select at least 10 recruiting companies to apply the initiatives in efforts to recruit personnel for the Army.

“(2) Under the pilot program, the Secretary shall provide for the following:

“(A) For replacement of the Regular Army and Army Reserve recruiters by contract recruiters in the 10 recruiting companies selected under paragraph (1).

“(B) For operation of the 10 companies under the same rules as the other Army recruiting companies.

“(C) For use of the offices, facilities, and equipment of the 10 companies by the contract recruiters.

“(D) For reversion to performance of the recruiting activities by Regular Army and Army Reserve soldiers in the 10 companies upon termination of the pilot program.

“(E) For any other uses of contractor personnel for Army recruiting activities that the Secretary determines appropriate.

“(e) DURATION OF PILOT PROGRAMS.—The pilot programs required by this section shall be carried out during the period beginning on October 1, 2000, and, subject to subsection (f), ending on September 30, 2007.

“(f) AUTHORITY TO EXPAND OR EXTEND PILOT PROGRAMS.—The Secretary may expand the scope of any of the pilot programs (under subsection (b)(3)(F), (c)(4)(D), (d)(2)(E), or otherwise) or extend the period for any of the pilot programs. Before doing so in the case of a pilot program, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notification of the expansion of the pilot program (together with the scope of the expansion) or the continuation of the pilot program (together with the period of the extension), as the case may be.

“(g) REPORTS.—Not later than February 1, 2008, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a separate report on each of the pilot programs carried out under this section. The report on a pilot program shall include the following:

“(1) The Secretary’s assessment of the value of the actions taken in the administration of the pilot program for increasing the effectiveness and efficiency of Army recruiting.

“(2) Any recommendations for legislation or other action that the Secretary considers appropriate to increase the effectiveness and efficiency of Army recruiting.”

#### PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS

Pub. L. 106-398, §1 [[div. A], title V, §564], Oct. 30, 2000, 114 Stat. 1654, 1654A-133, as amended by Pub. L. 109-364, div. A, title X, §1046(d), Oct. 17, 2006, 120 Stat. 2394, directed the Secretary of Defense to conduct a three-year pilot program in a qualifying interactive Internet site beginning not later than 180 days after Oct. 30, 2000, to determine if cooperation with military recruiters by local educational agencies and by institutions of higher education could be enhanced by improving the understanding of school counselors and educators about military recruiting and military career opportunities.

MEASURES TO IMPROVE RECRUIT QUALITY AND REDUCE RECRUIT ATTRITION

Pub. L. 105-85, div. A, title V, subtitle D, Nov. 18, 1997, 111 Stat. 1738, provided that:

“SEC. 531. REFORM OF MILITARY RECRUITING SYSTEMS.

“(a) IN GENERAL.—The Secretary of Defense shall carry out reforms in the recruiting systems of the Army, Navy, Air Force, and Marine Corps in order to improve the quality of new recruits and to reduce attrition among recruits.

“(b) SPECIFIC REFORMS.—As part of the reforms in military recruiting systems to be undertaken under subsection (a), the Secretary shall take the following steps:

“(1) Improve the system of pre-enlistment waivers and separation codes used for recruits by (A) revising and updating those waivers and codes to allow more accurate and useful data collection about those separations, and (B) prescribing regulations to ensure that those waivers and codes are interpreted in a uniform manner by the military services.

“(2) Develop a reliable database for (A) analyzing (at both the Department of Defense and service-level) data on reasons for attrition of new recruits, and (B) undertaking Department of Defense or service-specific measures (or both) to control and manage such attrition.

“(3) Require that the Secretary of each military department (A) adopt or strengthen incentives for recruiters to thoroughly prescreen potential candidates for recruitment, and (B) link incentives for recruiters, in part, to the ability of a recruiter to screen out unqualified candidates before enlistment.

“(4) Require that the Secretary of each military department include as a measurement of recruiter performance the percentage of persons enlisted by a recruiter who complete initial combat training or basic training.

“(5) Assess trends in the number and use of waivers over the 1991-1997 period that were issued to permit applicants to enlist with medical or other conditions that would otherwise be disqualifying.

“(6) Require the Secretary of each military department to implement policies and procedures (A) to ensure the prompt separation of recruits who are unable to successfully complete basic training, and (B) to remove those recruits from the training environment while separation proceedings are pending.

“(c) REPORT.—Not later than March 31, 1998, the Secretary shall submit to Congress a report of the trends assessed under subsection (b)(5). The information on those trends provided in the report shall be shown by armed force and by category of waiver. The report shall include recommendations of the Secretary for changing, revising, or limiting the use of waivers referred to in that subsection.

“SEC. 532. IMPROVEMENTS IN MEDICAL PRE-SCREENING OF APPLICANTS FOR MILITARY SERVICE.

“(a) IN GENERAL.—The Secretary of Defense shall improve the medical prescreening of applicants for entrance into the Army, Navy, Air Force, or Marine Corps.

“(b) SPECIFIC STEPS.—As part of those improvements, the Secretary shall take the following steps:

“(1) Require that each applicant for service in the Army, Navy, Air Force, or Marine Corps (A) provide to the Secretary the name of the applicant's medical insurer and the names of past medical providers, and (B) sign a release allowing the Secretary to request and obtain medical records of the applicant.

“(2) Require that the forms and procedures for medical prescreening of applicants that are used by recruiters and by Military Entrance Processing Commands be revised so as to ensure that medical questions are specific, unambiguous, and tied directly to the types of medical separations most common for recruits during basic training and follow-on training.

“(3) Add medical screening tests to the examinations of recruits carried out by Military Entrance Processing Stations, provide more thorough medical examinations to selected groups of applicants, or both, to the extent that the Secretary determines that to do so could be cost effective in reducing attrition at basic training.

“(4) Provide for an annual quality control assessment of the effectiveness of the Military Entrance Processing Commands in identifying medical conditions in recruits that existed before enlistment in the Armed Forces, each such assessment to be performed by an agency or contractor other than the Military Entrance Processing Commands.

“SEC. 533. IMPROVEMENTS IN PHYSICAL FITNESS OF RECRUITS.

“(a) IN GENERAL.—The Secretary of Defense shall take steps to improve the physical fitness of recruits before they enter basic training.

“(b) SPECIFIC STEPS.—As part of those improvements, the Secretary shall take the following steps:

“(1) Direct the Secretary of each military department to implement programs under which new recruits who are in the Delayed Entry Program are encouraged to participate in physical fitness activities before reporting to basic training.

“(2) Develop a range of incentives for new recruits to participate in physical fitness programs, as well as for those recruits who improve their level of fitness while in the Delayed Entry Program, which may include access to Department of Defense military fitness facilities, and access to military medical facilities in the case of a recruit who is injured while participating in physical activities with recruiters or other military personnel.

“(3) Evaluate whether partnerships between recruiters and reserve components, or other innovative arrangements, could provide a pool of qualified personnel to assist in the conduct of physical training programs for new recruits in the Delayed Entry Program.”

DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS OR FEDERAL MILITARY RECRUITING ON CAMPUS; EXCEPTIONS

Pub. L. 104-208, div. A, title I, §101(e) [title V, §514], Sept. 30, 1996, 110 Stat. 3009-233, 3009-270, which provided that none of the funds made available in any Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for any fiscal year could be provided by contract or by grant to a covered educational entity if the Secretary of Defense determined that the covered educational entity had a policy or practice that prohibited or prevented the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps at the covered educational entity, or a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education, or prohibited or prevented entry to campuses, or access to students on campuses, for purposes of Federal military recruiting or access by military recruiters for purposes of Federal military recruiting to student names, addresses, and telephone listings and, if known, student ages, levels of education, and majors, was repealed and restated in section 983 of this title by Pub. L. 106-65, div. A, title V, §549(a)(1), (b)(2), Oct. 5, 1999, 113 Stat. 609, 611.

MILITARY RECRUITING ON CAMPUS

Pub. L. 103-337, div. A, title V, §558, Oct. 5, 1994, 108 Stat. 2776, as amended by Pub. L. 104-324, title II, §206(a), Oct. 19, 1996, 110 Stat. 3908, which provided that no funds available to the Department of Defense or the Department of Transportation could be provided by grant or contract to any institution of higher education that had a policy of denying or preventing the Secretary of Defense or the Secretary of Transportation from obtaining for military recruiting purposes

entry to campuses or access to students on campuses or access to directory information pertaining to students, was repealed and restated in section 983 of this title by Pub. L. 106-65, div. A, title V, §549(a)(1), (b)(1), Oct. 5, 1999, 113 Stat. 609, 611.

#### MILITARY RECRUITING INFORMATION

Section 1114(a) of Pub. L. 97-252 provided that: “The Congress finds that in order for Congress to carry out effectively its constitutional authority to raise and support armies, it is essential—

“(1) that the Secretary of Defense obtain and compile directory information pertaining to students enrolled in secondary schools throughout the United States; and

“(2) that such directory information be used only for military recruiting purposes and be retained in the case of each person with respect to whom such information is obtained and compiled for a limited period of time.”

#### ACCESS OF ARMED FORCES RECRUITING PERSONNEL TO SECONDARY EDUCATIONAL INSTITUTIONS; RELEASE OF DATA

Pub. L. 96-342, title III, §302(d), Sept. 8, 1980, 94 Stat. 1083, provided that: “It is the sense of the Congress—

“(1) that secondary educational institutions in the United States, the Commonwealth of Puerto Rico, and the territories of the United States should cooperate with the Armed Forces by allowing recruiting personnel access to such institutions; and

“(2) that it is appropriate for such institutions to release to the Armed Forces information regarding students at such institutions (including such data as names, addresses, and education levels) which is relevant to recruiting individuals for service in the Armed Forces.”

#### § 504. Persons not qualified

(a) **INSANITY, DESERTION, FELONS, ETC.**—No person who is insane, intoxicated, or a deserter from an armed force, or who has been convicted of a felony, may be enlisted in any armed force. However, the Secretary concerned may authorize exceptions, in meritorious cases, for the enlistment of deserters and persons convicted of felonies.

(b) **CITIZENSHIP OR RESIDENCY.**—(1) A person may be enlisted in any armed force only if the person is one of the following:

(A) A national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(B) An alien who is lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

(C) A person described in section 341 of one of the following compacts:

(i) The Compact of Free Association between the Federated States of Micronesia and the United States (section 201(a) of Public Law 108-188 (117 Stat. 2784; 48 U.S.C. 1921 note)).

(ii) The Compact of Free Association between the Republic of the Marshall Islands and the United States (section 201(b) of Public Law 108-188 (117 Stat. 2823; 48 U.S.C. 1921 note)).

(iii) The Compact of Free Association between Palau and the United States (section 201 of Public Law 99-658 (100 Stat. 3678; 48 U.S.C. 1931 note)).

(2) Notwithstanding paragraph (1), the Secretary concerned may authorize the enlistment

of a person not described in paragraph (1) if the Secretary determines that such enlistment is vital to the national interest.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754; amended Pub. L. 109-163, div. A, title V, §542(a), Jan. 6, 2006, 119 Stat. 3253.)

#### AMENDMENTS

2006—Pub. L. 109-163 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### § 505. Regular components: qualifications, term, grade

(a) The Secretary concerned may accept original enlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, of qualified, effective, and able-bodied persons who are not less than seventeen years of age nor more than forty-two years of age. However, no person under eighteen years of age may be originally enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control.

(b) A person is enlisted in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard in the grade or rating prescribed by the Secretary concerned.

(c) The Secretary concerned may accept original enlistments of persons for the duration of their minority or for a period of at least two but not more than eight years, in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be.

(d)(1) The Secretary concerned may accept a reenlistment in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for a period determined under this subsection.

(2) In the case of a member who has less than 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the period for which the member reenlists shall be at least two years but not more than eight years.

(3) In the case of a member who has at least 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the Secretary concerned may accept a reenlistment for either—

(A) a specified period of at least two years but not more than eight years; or

(B) an unspecified period.

(4) No enlisted member is entitled to be reenlisted for a period that would expire before the end of the member's current enlistment.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754; amended Pub. L. 93-290, May 24, 1974, 88 Stat. 173; Pub. L. 95-485, title VIII, §820(a), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 98-94, title X, §1023, Sept. 24, 1983, 97 Stat. 671; Pub. L. 104-201, div. A, title V, §511, Sept. 23, 1996, 110 Stat. 2514; Pub. L. 109-163, div. A, title V, §§543, 544, Jan. 6, 2006, 119 Stat. 3253; Pub. L. 110-417, [div. A], title V, §531(a), Oct. 14, 2008, 122 Stat. 4449.)

#### AMENDMENTS

2008—Subsec. (d)(2), (3)(A). Pub. L. 110-417 substituted “eight years” for “six years”.



2006—Subsec. (a). Pub. L. 109-163, §543, in first sentence, substituted “forty-two years of age” for “thirty-five years of age”.

Subsec. (c). Pub. L. 109-163, §544, substituted “eight years” for “six years”.

1996—Subsec. (d). Pub. L. 104-201 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for period of at least two but not more than six years. No enlisted member is entitled to be reenlisted for a period that would expire before the end of his current enlistment.”

1983—Subsecs. (c), (d). Pub. L. 98-94 substituted “at least two but not more than six years” for “two, three, four, five, or six years”.

1978—Subsecs. (d), (e). Pub. L. 95-485 redesignated subsec. (e) as (d). Former subsec. (d), which provided that in the Regular Army female persons may be enlisted only in the Women’s Army Corps, was struck out.

1974—Subsec. (a). Pub. L. 93-290, §1, struck out provisions which prohibited the Secretary from accepting original enlistments from female persons less than 18 years of age, and which required consent of the parent or guardian for an original enlistment of a female person under 21 years of age.

Subsec. (c). Pub. L. 93-290, §2, substituted provisions permitting the Secretary to accept original enlistments of persons for the duration of their minority or for a period of two, three, four, five, or six years, for provisions which limited the Secretary to accept original enlistments from male persons for the duration of their minority or for a period of two, three, four, five, or six years, and from female persons for a period of two, three, four, five, or six years.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 506. Regular components: extension of enlistments during war

An enlistment in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard in effect at the beginning of a war, or entered into during a war, unless sooner terminated by the President, continues in effect until six months after the termination of that war.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754.)

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 507. Extension of enlistment for members needing medical care or hospitalization

(a) An enlisted member of an armed force on active duty whose term of enlistment expires

while he is suffering from disease or injury incident to service and not due to his misconduct, and who needs medical care or hospitalization, may be retained on active duty, with his consent, until he recovers to the extent that he is able to meet the physical requirements for reenlistment, or it is determined that recovery to that extent is impossible.

(b) This section does not prevent the retention in service, without his consent, of an enlisted member of an armed force under section 972 of this title.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754.)

### § 508. Reenlistment: qualifications

(a) No person whose service during his last term of enlistment was not honest and faithful may be reenlisted in an armed force. However, the Secretary concerned may authorize the reenlistment in the armed force under his jurisdiction of such a person if his conduct after that service has been good.

(b) A person discharged from a Regular component may be reenlisted in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, under such regulations as the Secretary concerned may prescribe.

(c) This section does not deprive a person of any right to be reenlisted in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard under any other provision of law.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 755.)

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 509. Voluntary extension of enlistments: periods and benefits

(a) Under such regulations as the Secretary concerned may prescribe, the term of enlistment of a member of an armed force may be extended or reextended with his written consent for any period. However, the total of all such extensions of an enlistment may not exceed four years.

(b) When a member is discharged from an enlistment that has been extended under this section, he has the same rights, privileges, and benefits that he would have if discharged at the same time from an enlistment not so extended.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 755.)

### § 510. Enlistment incentives for pursuit of skills to facilitate national service

(a) ENLISTMENT INCENTIVE PROGRAM.—The Secretary of Defense shall carry out an enlistment incentive program in accordance with this section under which a person who is a National Call

to Service participant shall be entitled to one of the incentives specified in subsection (e). The program shall be carried out during the period ending on December 31, 2007, and may be carried out after that date.

(b) NATIONAL CALL TO SERVICE PARTICIPANT.—In this section, the term “National Call to Service participant” means a person who has not previously served in the armed forces who enters into an original enlistment pursuant to a written agreement with the Secretary of a military department (in such form and manner as may be prescribed by that Secretary) under which the person agrees to perform a period of national service as specified in subsection (c).

(c) NATIONAL SERVICE.—The total period of national service to which a National Call to Service participant is obligated under the agreement under this section shall be specified in the agreement. Under the agreement, the participant shall—

(1) upon completion of initial entry training (as prescribed by the Secretary of Defense), serve on active duty in a military occupational specialty designated by the Secretary of Defense under subsection (d) for a period of 15 months;

(2) upon completion of the period of active duty specified in paragraph (1) and without a break in service, serve either (A) an additional period of active duty as determined by the Secretary of Defense, or (B) a period of 24 months in an active status in the Selected Reserve; and

(3) upon completion of the period of service specified in paragraph (2), and without a break in service, serve the remaining period of obligated service specified in the agreement—

(A) on active duty in the armed forces;

(B) in the Selected Reserve;

(C) in the Individual Ready Reserve;

(D) in Americorps or another domestic national service program jointly designated by the Secretary of Defense and the head of such program for purposes of this section; or

(E) in any combination of service referred to in subparagraphs (A) through (D) that is approved by the Secretary of the military department concerned pursuant to regulations prescribed by the Secretary of Defense and specified in the agreement.

(d) DESIGNATED MILITARY OCCUPATIONAL SPECIALTIES.—The Secretary of Defense shall designate military occupational specialties for purposes of subsection (c)(1). Such military occupational specialties shall be military occupational specialties that, as determined by the Secretary, will facilitate pursuit of national service by National Call to Service participants and shall include military occupational specialties for enlistments for officer training and subsequent service as an officer, in cases in which the reason for the enlistment and entry into an agreement under subsection (b) is to enter an officer training program.

(e) INCENTIVES.—The incentives specified in this subsection are as follows:

(1) Payment of a bonus in the amount of \$5,000.

(2) Payment in an amount not to exceed \$18,000 of outstanding principal and interest on

qualifying student loans of the National Call to Service participant.

(3) Entitlement to an allowance for educational assistance at the monthly rate equal to the monthly rate payable for basic educational assistance allowances under section 3015(a)(1) of title 38 for a total of 12 months.

(4) Entitlement to an allowance for educational assistance at the monthly rate equal to 50 percent of the monthly rate payable for basic educational assistance allowances under section 3015(b)(1) of title 38 for a total of 36 months.

(f) ELECTION OF INCENTIVE.—A National Call to Service participant shall elect in the agreement under subsection (b) which incentive under subsection (e) to receive. An election under this subsection is irrevocable.

(g) PAYMENT OF BONUS AMOUNTS.—(1) Payment to a National Call to Service participant of the bonus elected by the National Call to Service participant under subsection (e)(1) shall be made in such time and manner as the Secretary of Defense shall prescribe.

(2)(A) Payment of outstanding principal and interest on the qualifying student loans of a National Call to Service participant, as elected under subsection (e)(2), shall be made in such time and manner as the Secretary of Defense shall prescribe.

(B) Payment under this paragraph of the outstanding principal and interest on the qualifying student loans of a National Call to Service participant shall be made to the holder of such student loans, as identified by the National Call to Service participant to the Secretary of the military department concerned for purposes of such payment.

(3) Payment of a bonus or incentive in accordance with this subsection shall be made by the Secretary of the military department concerned.

(h) COORDINATION WITH MONTGOMERY GI BILL BENEFITS.—(1)(A) Subject to subparagraph (B), a National Call to Service participant who elects an incentive under paragraph (3) or (4) of subsection (e) is not entitled to additional educational assistance under chapter 1606 of this title or to basic educational assistance under subchapter II of chapter 30 of title 38.

(B) If a National Call to Service participant meets all eligibility requirements specified in chapter 1606 of this title or chapter 30 of title 38 for entitlement to allowances for educational assistance under either such chapter, the participant may become eligible for allowances for educational assistance benefits under either such chapter up to the maximum allowance provided less the total amount of allowance paid under paragraph (3) or (4) of subsection (e).

(2)(A) Educational assistance under paragraphs (3) or (4) of subsection (e) shall be provided through the Department of Veterans Affairs under an agreement to be entered into by the Secretary of Defense and the Secretary of Veterans Affairs. The agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Secretary of Veterans Affairs for the making of payments under this section.

(B) Except as otherwise provided in this section, the provisions of sections 503, 511, 3470,

3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term “eligible veteran” and the term “person”, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this section to refer to a person eligible for educational assistance under paragraph (3) or (4) of subsection (e).

(3)(A) Except as provided in paragraph (1), nothing in this section shall prohibit a National Call to Service participant who satisfies through service under subsection (c) the eligibility requirements for educational assistance under chapter 1606 of this title or basic educational assistance under chapter 30 of title 38 from an entitlement to such educational assistance under chapter 1606 of this title or basic educational assistance under chapter 30 of title 38, as the case may be.

(B)(i) A participant who made an election not to receive educational assistance under either such chapter at the applicable time specified under law or who was denied the opportunity to make an election may revoke that election or make an initial election, as the case may be, at such time and in such manner as the Secretary concerned may specify. A revocation or initial election under the preceding sentence is irrevocable.

(ii) The participant making a revocation or initial election under clause (i) shall be eligible for educational assistance under either such chapter at such time as the participant satisfies through service the applicable eligibility requirements under either such chapter.

(i) REPAYMENT.—If a National Call to Service participant who has entered into an agreement under subsection (b) and received or benefitted from an incentive under paragraph (1) or (2) of subsection (e) fails to complete the total period of service specified in the agreement, the National Call to Service participant shall be subject to the repayment provisions of section 303a(e) of title 37.

(j) FUNDING.—(1) Amounts for the payment of incentives under paragraphs (1) and (2) of subsection (e) shall be derived from amounts available to the Secretary of the military department concerned for the payment of pay, allowances and other expenses of the members of the armed force concerned.

(2) Amounts for the payment of incentives under paragraphs (3) and (4) of subsection (e) shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.

(k) REGULATIONS.—The Secretary of Defense and the Secretaries of the military departments shall prescribe regulations for purposes of the program under this section.

(l) DEFINITIONS.—In this section:

(1) The term “Americorps” means the Americorps program carried out under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(2) The term “qualifying student loan” means a loan, the proceeds of which were used

to pay any part or all of the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871)) at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(3) The term “Secretary of a military department” includes, with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy, the Secretary of the Department in which the Coast Guard is operating.

(Added Pub. L. 107-314, div. A, title V, §531(a)(1), Dec. 2, 2002, 116 Stat. 2541; amended Pub. L. 108-136, div. A, title V, §535(a), Nov. 24, 2003, 117 Stat. 1474; Pub. L. 109-163, div. A, title V, §545, title VI, §687(c)(1), Jan. 6, 2006, 119 Stat. 3254, 3333; Pub. L. 109-364, div. A, title X, §1071(e)(2), Oct. 17, 2006, 120 Stat. 2401.)

#### REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec. (l)(1), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended. Subtitle C of title I of the Act is classified generally to division C (§12571 et seq.) of subchapter I of chapter 129 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

#### PRIOR PROVISIONS

A prior section 510 was renumbered section 12102 of this title.

#### AMENDMENTS

2006—Subsec. (c)(3)(D). Pub. L. 109-163, §545(a), substituted “in Americorps or another domestic national service program” for “in the Peace Corps, Americorps, or another national service program”.

Subsec. (d). Pub. L. 109-163, §545(b), as amended by Pub. L. 109-364, inserted “and shall include military occupational specialties for enlistments for officer training and subsequent service as an officer, in cases in which the reason for the enlistment and entry into an agreement under subsection (b) is to enter an officer training program” before period at end.

Subsec. (h)(2). Pub. L. 109-163, §545(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“(2)(A) The Secretary of Defense shall, to the maximum extent practicable, administer the receipt by National Call to Service participants of incentives under paragraph (3) or (4) of subsection (e) as if such National Call to Service participants were, in receiving such incentives, receiving educational assistance for members of the Selected Reserve under chapter 1606 of this title.

“(B) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of subparagraph (A). Such regulations shall, to the maximum extent practicable, take into account the administrative provisions of chapters 30 and 36 of title 38 that are specified in section 16136 of this title.”

Subsec. (i). Pub. L. 109-163, §687(c)(1), amended heading and text of subsec. (i) generally. Prior to amendment, text consisted of pars. (1) to (4) which related to pro rata repayments by failed National Call to Service participants, the nature of the debt owed, waiver and discharge in bankruptcy.

2003—Subsec. (j). Pub. L. 108-136 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Amounts for payment of incentives under subsection (e), including payment of allowances for educational assistance under that subsection, shall be derived from amounts available to the Secretary of the military department con-

cerned for payment of pay, allowances, and other expenses of the members of the armed force concerned.”

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title X, §1071(e), Oct. 17, 2006, 120 Stat. 2401, provided that the amendment made by section 1071(e)(2) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109-163 as enacted.

#### SAVINGS PROVISION

Pub. L. 109-163, div. A, title VI, §687(f), Jan. 6, 2006, 119 Stat. 3336, provided that: “In the case of any bonus, incentive pay, special pay, or similar payment, such as education assistance or a stipend, which the United States became obligated to pay before April 1, 2006, under a provision of law amended by subsection (b), (c), or (d) of this section [amending this section and sections 2005, 2007, 2105, 2123, 2130a, 2173, 2200a, 4348, 6959, 9348, 16135, 16203, 16303, and 16401 of this title, section 182 of Title 14, Coast Guard, and sections 301b, 301d, 301e, 302, 302a, 302b, 302d to 302h, 302j, 307a, 308, 308b, 308c, 308g to 308i, 309, 312, 312b, 314 to 319, and 321 to 327 of Title 37, Pay and Allowances of the Uniformed Services], such provision of law, as in effect on the day before the date of the enactment of this Act [Jan. 6, 2006], shall continue to apply to the payment, or any repayment, of the bonus, incentive pay, special pay, or similar payment under such provision of law.”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### COMMENCEMENT OF PROGRAM

Pub. L. 107-314, div. A, title V, §531(b), Dec. 2, 2002, 116 Stat. 2544, directed the Secretary of Defense to prescribe the date, not later than Oct. 1, 2003, on which the program provided for under this section was to commence.

#### IMPLEMENTATION REPORT

Pub. L. 107-314, div. A, title V, §531(d), Dec. 2, 2002, 116 Stat. 2544, directed the Secretary of Defense to submit to committees of Congress a report on the Secretary's plans for implementation of this section not later than Mar. 31, 2003.

#### EFFECTIVENESS REPORTS

Pub. L. 107-314, div. A, title V, §531(e), Dec. 2, 2002, 116 Stat. 2545, provided that: “Not later than March 31, 2005, and March 31, 2007, the Secretary of Defense shall submit to the committees specified in subsection (d) reports on the effectiveness of the program under section 510 of title 10, United States Code, as added by subsection (a), in attracting new recruits to national service.”

### § 511. College First Program

(a) **PROGRAM AUTHORITY.**—The Secretary of each military department may establish a program to increase the number of, and the level of the qualifications of, persons entering the armed forces as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service.

(b) **DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.**—The Secretary concerned may—

(1) exercise the authority under section 513 of this title—

(A) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of a reserve component, notwithstanding the scope of the authority under subsection (a) of that section, in the case of the Army National Guard of the United States or Air National Guard of the United States; and

(B) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within the maximum period of delay determined for that person under subsection (c); and

(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of that subsection, pay an allowance to a person accepted for enlistment under paragraph (1)(A) for each month of the period during which that person is enrolled in and pursuing a program described in paragraph (1)(B).

(c) **MAXIMUM PERIOD OF DELAY.**—The period of delay authorized a person under paragraph (1)(B) of subsection (b) may not exceed the 30-month period beginning on the date of the person's enlistment accepted under paragraph (1)(A) of such subsection.

(d) **ALLOWANCE.**—(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps with the corresponding number of years of participation under section 209(a) of title 37. The Secretary concerned may supplement that stipend by an amount not to exceed \$225 per month.

(2) An allowance may not be paid to a person under this section for more than 24 months.

(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32. Satisfactory performance shall be determined under regulations prescribed by the Secretary concerned.

(4) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

(e) **RECOUPMENT OF ALLOWANCE.**—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge of a person in bankruptcy under title 11 that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 does not discharge that person from a debt arising under paragraph (1).

(4) The Secretary concerned may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(f) SPECIAL PAY AND BONUSES.—Upon enlisting in the regular component of the member's armed force, a person who initially enlisted as a Reserve under this section may, at the discretion of the Secretary concerned, be eligible for all regular special pays, bonuses, education benefits, and loan repayment programs.

(Added Pub. L. 108-375, div. A, title V, § 551(a)(1), Oct. 28, 2004, 118 Stat. 1909.)

#### PRIOR PROVISIONS

A prior section 511 was renumbered section 12103 of this title.

#### CONTINUATION FOR ARMY OF PRIOR ARMY COLLEGE FIRST PROGRAM

Pub. L. 108-375, div. A, title V, § 551(b), Oct. 28, 2004, 118 Stat. 1911, provided that: "The Secretary of the Army shall treat the program under section 511 of title 10, United States Code, as added by subsection (a), as a continuation of the program under section 573 of the National Defense Authorization Act for Fiscal Year 2000 [Pub. L. 106-65] ([formerly] 10 U.S.C. 513 note), and for such purpose the Secretary may treat such section 511 as having been enacted on October 1, 2004."

### [§ 512. Renumbered § 12104]

#### § 513. Enlistments: Delayed Entry Program

(a) A person with no prior military service who is qualified under section 505 of this title and applicable regulations for enlistment in a regular component of an armed force may (except as provided in subsection (c)) be enlisted as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve for a term of not less than six years nor more than eight years.

(b)(1) Unless sooner ordered to active duty under chapter 39 of this title or another provision of law, a person enlisted under subsection (a) shall, within 365 days after such enlistment, be discharged from the reserve component in which enlisted and immediately be enlisted in the regular component of an armed force. The Secretary concerned may extend the 365-day period for any person for up to an additional 365 days if the Secretary determines that it is in the best interests of the armed force of which that person is a member to do so.

(2) During the period beginning on the date on which the person enlists under subsection (a) and ending on the date on which the person is enlisted in a regular component under paragraph (1), the person shall be in the Ready Reserve of the armed force concerned.

(c) A person who is under orders to report for induction into an armed force under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), except as provided in clause (ii) or (iii) of section 6(c)(2)(A) of that Act, may not be enlisted under subsection (a).

(d) This section shall be carried out under regulations to be prescribed by the Secretary of Defense or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(Added Pub. L. 101-189, div. A, title V, § 501(a)(1), Nov. 29, 1989, 103 Stat. 1435; amended Pub. L. 101-510, div. A, title XIV, § 1484(k)(2), Nov. 5, 1990, 104 Stat. 1719; Pub. L. 104-201, div. A, title V, § 512, Sept. 23, 1996, 110 Stat. 2514; Pub. L. 106-65, div. A, title V, § 572(a), Oct. 5, 1999, 113 Stat. 623; Pub. L. 107-296, title XVII, § 1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-163, div. A, title V, § 515(b)(1)(A), Jan. 6, 2006, 119 Stat. 3233.)

#### REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (c), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, which is classified principally to section 451 et seq. of Title 50, Appendix, War and National Defense. Section 6 of the Act is classified to section 456 of Title 50, Appendix. For complete classification of this Act to the Code, see References in Text note set out under section 451 of Title 50, Appendix, and Tables.

#### PRIOR PROVISIONS

A prior section 513, act Aug. 10, 1956, ch. 1041, 70A Stat. 18, related to promotion of enlisted members of Reserve components, prior to repeal by Pub. L. 85-861, § 36B(1), Sept. 2, 1958, 72 Stat. 1570.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted "Navy Reserve" for "Naval Reserve".

2002—Subsec. (d). Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation".

1999—Subsec. (b)(1). Pub. L. 106-65 substituted "additional 365 days" for "additional 180 days" in second sentence.

1996—Subsec. (b). Pub. L. 104-201 inserted "The Secretary concerned may extend the 365-day period for any person for up to an additional 180 days if the Secretary determines that it is in the best interests of the armed force of which that person is a member to do so." after first sentence, "(1)" before "Unless", and "(2)" before "During" and substituted "paragraph (1)" for "the preceding sentence".

1990—Subsecs. (b), (c). Pub. L. 101-510 substituted "subsection (a)" for "paragraph (1)".

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, § 572(b), Oct. 5, 1999, 113 Stat. 623, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into, on or after that date."

#### ARMY COLLEGE FIRST PILOT PROGRAM

Pub. L. 106-65, div. A, title V, § 573, Oct. 5, 1999, 113 Stat. 623, as amended by Pub. L. 107-107, div. A, title V, § 542(a)-(c), Dec. 28, 2001, 115 Stat. 1110, 1111; Pub. L. 107-314, div. A, title V, § 535, title X, § 1062(j)(1), Dec. 2, 2002, 116 Stat. 2548, 2651, directed the Secretary of the

Army to establish a pilot program, known as the “Army College First” program, to be in effect from Oct. 1, 1999, to Sept. 30, 2004, to assess whether the Army could increase the number and qualifications of persons entering the Army as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service, and to submit to committees of Congress a report on the program not later than Feb. 1, 2004. See section 511 of this title and section 551(b) of Pub. L. 108–375, set out as a note under section 511 of this title.

#### § 514. Bounties prohibited; substitutes prohibited

(a) No bounty may be paid to induce any person to enlist in an armed force. A clothing allowance or enlistment bonus authorized by law is not a bounty for the purposes of this subsection.

(b) No person liable for active duty in an armed force under this subtitle may furnish a substitute for that active duty. No person may be enlisted or appointed in an armed force as a substitute for another person.

(Aug. 10, 1956, ch. 1041, 70A Stat. 19.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
514(a) .....	50 App.:458 (1st sentence, less applicability to induction).	June 24, 1948, ch. 625, § 8 (less applicability to induction), 62 Stat. 614.
514(b) .....	50 App.:458 (last sentence, less applicability to induction).	

In subsection (b), the words “active duty” are substituted for the words “training and service”. The word “may” is substituted for the words “shall be permitted or allowed”. The last sentence is substituted for 50 App.:458 (words between 1st and last semicolons). 50 App.:458 (words after last semicolon) is omitted as applicable only to induction.

#### § 515. Reenlistment after discharge as warrant officer

A person who has been discharged from a regular component of an armed force under section 1165 or 1166 of this title may, upon his request and in the discretion of the Secretary concerned, be enlisted in that armed force in the grade prescribed by the Secretary. However, a person discharged under section 1165 of this title may not be enlisted in a grade lower than the grade that he held immediately before appointment as a warrant officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 19.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
515 .....	10:600d (last 36 words of last sentence). 34:135d (last 36 words of last sentence). 10:600m (last 21 words of 3d sentence). 34:430a (last 21 words of 3d sentence).	May 29, 1954, ch. 249, §§ 6 (last 36 words of last sentence), 15 (last 21 words of 3d sentence), 68 Stat. 159, 164.

The first 20 words are inserted for clarity. The word “request” is substituted for the word “application”.

#### § 516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman

(a) The enlistment or period of obligated service of an enlisted member of the armed forces

who accepts an appointment as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy or in the Navy Reserve, may not be terminated because of the acceptance of that appointment. However, while serving as a cadet or midshipman at an Academy, he is entitled only to the pay, allowances, compensation, pensions, and other benefits provided by law for such a cadet or midshipman or, if he is a midshipman in the Navy Reserve, to the compensation and emoluments of a midshipman in the Navy Reserve.

(b) If a person covered by subsection (a) is separated from service as a cadet or midshipman, or from service as a midshipman in the Navy Reserve, for any reason other than his appointment as a commissioned officer of a regular or reserve component of an armed force or because of a physical disability, he resumes his enlisted status and shall complete the period of service for which he was enlisted or for which he has an obligation, unless he is sooner discharged. In computing the unexpired part of an enlistment or period of obligated service for the purposes of this subsection, all service as a cadet or midshipman is counted as service under that enlistment or period of obligated service.

(Added Pub. L. 85–861, § 1(9)(A), Sept. 2, 1958, 72 Stat. 1439; amended Pub. L. 109–163, div. A, title V, § 515(b)(1)(B), Jan. 6, 2006, 119 Stat. 3233.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
516(a) .....	50:1411.	June 25, 1956, ch. 439, §§ 1, 2, 70 Stat. 333.
516(b) .....	50:1412.	

In subsection (a), the words “on or after June 25, 1956” are omitted as executed. The words “Regular, Reserve” and “during the continuation of the cadet or midshipman status of such member” are omitted as surplusage. The words “if he is a midshipman in the Naval Reserve \* \* \* of a midshipman in the Naval Reserve” are substituted for the words “accruing to such reserve midshipman by virtue of his status in the Naval Reserve”.

In subsection (b), the words “a person covered by subsection (a)” are substituted for 50:1412 (1st 84 words of 1st sentence). The words “his appointment as a commissioned officer of” are substituted for the words “the acceptance of a commission in”. The words “and shall complete the period of service for which he was enlisted or for which he has an obligation, unless he is sooner discharged” are substituted for 50:1412 (2d sentence). The words “promoted or” are omitted as unnecessary, since the only kind of promotion involved is that to officer, in which case the member is discharged from his enlisted status. The words “as service under that enlistment” are substituted for the words “as time served under such contract”.

##### AMENDMENTS

2006—Pub. L. 109–163 substituted “Navy Reserve” for “Naval Reserve” wherever appearing.

##### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Secu-

riety, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 517. Authorized daily average: members in pay grades E-8 and E-9**

(a) The authorized daily average number of enlisted members on active duty (other than for training) in an armed force in pay grades E-8 and E-9 in a fiscal year may not be more than 2.5 percent and 1.25 percent, respectively, of the number of enlisted members of that armed force who are on active duty (other than for training) on the first day of that fiscal year. In computing the limitations prescribed in the preceding sentence, there shall be excluded enlisted members of an armed force on active duty as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.

(b) Whenever the number of members serving in pay grade E-9 is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E-8.

(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.

(Added Pub. L. 87-649, § 2(1), Sept. 7, 1962, 76 Stat. 492; amended Pub. L. 96-584, § 4, Dec. 23, 1980, 94 Stat. 3377; Pub. L. 97-86, title V, § 503(1), (2), Dec. 1, 1981, 95 Stat. 1107, 1108; Pub. L. 97-252, title V, § 503(a), Sept. 8, 1982, 96 Stat. 727; Pub. L. 98-94, title V, § 503(a), Sept. 24, 1983, 97 Stat. 631; Pub. L. 98-525, title IV, §§ 413(a), 414(a)(2), Oct. 19, 1984, 98 Stat. 2517, 2518; Pub. L. 99-145, title IV, § 413(a), Nov. 8, 1985, 99 Stat. 619; Pub. L. 100-180, div. A, title IV, § 413(a), Dec. 4, 1987, 101 Stat. 1083; Pub. L. 101-189, div. A, title IV, § 413(a), Nov. 29, 1989, 103 Stat. 1433; Pub. L. 102-190, div. A, title IV, § 413(a), Dec. 5, 1991, 105 Stat. 1352; Pub. L. 103-160, div. A, title IV, § 413(a), Nov. 30, 1993, 107 Stat. 1642; Pub. L. 103-337, div. A, title V, § 552(a), title XVI, § 1662(a)(4), Oct. 5, 1994, 108 Stat. 2772, 2988; Pub. L. 105-261, div. A, title IV, § 407(a), title X, § 1069(a)(2), Oct. 17, 1998, 112 Stat. 1996, 2135; Pub. L. 106-398, § 1 [[div. A], title IV, § 421(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-95; Pub. L. 107-107, div. A, title IV, § 403, Dec. 28, 2001, 115 Stat. 1069; Pub. L. 108-375, div. A, title IV, § 416(f), Oct. 28, 2004, 118 Stat. 1868; Pub. L. 110-181, div. A, title IV, § 406, Jan. 28, 2008, 122 Stat. 89.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U.S. Code)	Source (Statutes at Large)
517 .....	37:232(c) (last sentence).	Oct. 12, 1949, ch. 681, § 201(c) (last sentence); added May 20, 1958, Pub. L. 85-422, § 1(3) (last sentence), 72 Stat. 124.

**AMENDMENTS**

2008—Subsec. (a). Pub. L. 110-181 substituted “1.25 percent” for “1 percent”.

2004—Subsec. (a). Pub. L. 108-375 substituted “as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.” for “(other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force.”

2001—Subsec. (a). Pub. L. 107-107 substituted “2.5 percent” for “2 percent (or, in the case of the Army, 2.5 percent)”.

2000—Subsec. (c). Pub. L. 106-398 added subsec. (c).

1998—Subsec. (a). Pub. L. 105-261, § 1069(a)(2), substituted “The authorized” for “Except as provided in section 307 of title 37, the authorized”.

Pub. L. 105-261, § 407(a), substituted “a fiscal year” for “a calendar year” and “the first day of that fiscal year” for “January 1 of that year”.

1994—Subsec. (a). Pub. L. 103-337, § 552(a), inserted “(or, in the case of the Army, 2.5 percent)” after “may not be more than 2 percent”.

Subsec. (b). Pub. L. 103-337, § 1661(a)(4)(B), redesignated subsec. (c) as (b) and struck out “or whenever the number of members serving in pay grade E-9 for duty described in subsection (b) is less than the number authorized for that grade under subsection (b),” after “under subsection (a),”.

Pub. L. 103-337, § 1662(a)(4)(A), struck out subsec. (b) which limited the number of enlisted members in pay grades E-8 and E-9 who could be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard.

Subsec. (c). Pub. L. 103-337, § 1662(a)(4)(B), redesignated subsec. (c) as (b).

1993—Subsec. (b). Pub. L. 103-160, in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the Air Force to 328 and 840 from 279 and 800, respectively.

1991—Subsec. (b). Pub. L. 102-190, in table, increased fiscal year limitation on number of enlisted men in pay grade E-8 on active duty affecting reserve components of the Air Force from 670 to 800, and increased limitation on number of enlisted men in pay grade E-9 on active duty affecting reserve components of the Army from 557 to 569, the Air Force from 231 to 279, and the Marine Corps from 13 to 14.

1989—Subsec. (b). Pub. L. 101-189, § 413(a)(2), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 557 and 2,585 from 542 and 2,504, respectively; Navy, to 202 and 429 from 200 and 425, respectively; Air Force, to 231 and 670 from 224 and 637, respectively. Marine Corps figures remained unchanged.

Pub. L. 101-189, § 413(a)(1), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 542 and 2,504 from 529 and 2,350, respectively; Navy, to 200 and 425 from 180 and 400, respectively; Air Force, to 224 and 637 from 150 and 425, respectively. Marine Corps figures remained unchanged.

1987—Subsec. (b). Pub. L. 100-180, § 413(a)(2), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 529 and 2,350 from 517 and 2,295, respectively; Navy, to 180 and 400 from 175 and 390, respectively; Air Force, to 150 and 425 from 125 and 425, respectively. Marine Corps figures remained unchanged.

Pub. L. 100-180, § 413(a)(1), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Navy, to 175 and 390 from 165 and 381, respectively; Air Force, to 125 and 425 from 80 and 358, respectively; Marine Corps, to 13 and 74

from 9 and 74, respectively. Army figures remained unchanged.

1985—Subsec. (b). Pub. L. 99-145 in table, changed fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Navy, to 165 and 381 from 156 and 381, respectively; Air Force, to 80 and 358 from 87 and 455, respectively. Army and Marine Corps figures remained unchanged.

1984—Subsec. (b). Pub. L. 98-525, § 414(a)(2), inserted “(other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training)” and substituted “or the National Guard” for “of the armed forces” and “for that grade and armed force” for “prescribed for the grade and the armed force”.

Pub. L. 98-525, § 413(a), in table, increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 2,295 and 517 from 1,494 and 314; Air Force, to 455 and 87 from 617 and 143; Marine Corps, to 74 and 9 from 56 and 6. Navy figures remained unchanged.

1983—Subsec. (b). Pub. L. 98-94 increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 1,494 and 314 from 1,244 and 265; Navy, to 381 and 156 from 329 and 156; Air Force, to 617 and 143 from 441 and 132; Marine Corps figures remained unchanged.

1982—Subsec. (b). Pub. L. 97-252 increased the numbers in columns from 222, 146, 76, and 4 in the line for E-9 to 265, 156, 132, and 6, respectively, and from 908, 319, 307, and 12 in line for E-8 to 1,244, 329, 441, and 56, respectively.

1981—Subsec. (b). Pub. L. 97-86, § 503(1), inserted column for “Marine Corps” in table and increased numbers in existing columns headed “Army”, “Navy”, and “Air Force” from 209, 140, and 71 in line for E-9 to 222, 146, and 76, respectively, and from 823, 302, and 302 in line for E-8 to 908, 319, and 307, respectively.

Subsec. (c). Pub. L. 97-86, § 503(2), added subsec. (c).

1980—Pub. L. 96-584 designated existing provisions as subsec. (a), inserted provisions respecting computation of limitations, and added subsec. (b).

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title IV, § 407(b), Oct. 17, 1998, 112 Stat. 1996, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1999.”

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 552(c) of Pub. L. 103-337 provided that: “The amendment made by subsection (a) [amending this section] shall not apply with respect to the number of enlisted members of the Army on active duty in pay grade E-8 during 1994.”

Amendment by section 1662(a)(4) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Section 413(a)(2) of Pub. L. 101-189 provided that the amendment made by that section is effective Oct. 1, 1990.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Section 413(a)(2) of Pub. L. 100-180 provided that the amendment made by that section is effective Oct. 1, 1988.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 413(c) of Pub. L. 99-145 provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1985.”

#### EFFECTIVE DATE OF 1984 AMENDMENT

Section 413(c) of Pub. L. 98-525 provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1984.”

#### EFFECTIVE DATE OF 1983 AMENDMENT

Section 503(c) of Pub. L. 98-94 provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1983.”

#### EFFECTIVE DATE

Section effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

AUTHORIZED ACTIVE DUTY STRENGTHS FOR ARMY ENLISTED MEMBERS IN PAY GRADE E-8; SPECIAL RULE FOR 1995

Pub. L. 103-337, div. A, title V, § 552(b), Oct. 5, 1994, 108 Stat. 2772, provided that the percentage applicable to enlisted members of the Army in pay grade E-8 under subsec. (a) of this section during 1995 would be 2.3 percent, rather than the percentage provided by the amendment made by Pub. L. 103-337, § 552(a).

AUTHORITY TO WAIVE GRADE STRENGTH LAWS FOR FISCAL YEAR 1991; CERTIFICATION; RELATIONSHIP TO OTHER SUSPENSION AUTHORITY

Pub. L. 102-25, title II, §§ 201(b), 202, 205(b), Apr. 6, 1991, 105 Stat. 79, 80, authorized Secretary of a military department to suspend, for fiscal year 1991, the operation of any provision of this section and section 523, 524 (now 12011), 525, or 526 of this title with respect to that military department, that such Secretary may exercise such authority only after submission to the congressional defense committees of a certification in writing that such authority is necessary because of personnel actions associated with Operation Desert Storm, and that such authority is in addition to the authority provided in section 527 of this title.

### § 518. Temporary enlistments

Temporary enlistments may be made only in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be, without specification of component.

(Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 755.)

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 519. Temporary enlistments: during war or emergency

Except as provided in section 505 of this title and except for enlistments as Reserves of an armed force—

(1) temporary enlistments in an armed force entered into in time of war or of emergency declared by Congress shall be for the duration of the war or emergency plus six months; and

(2) only persons at least eighteen years of age and otherwise qualified under regulations to be prescribed by the Secretary concerned are eligible for such enlistments.



(Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 755.)

**§ 520. Limitation on enlistment and induction of persons whose score on the Armed Forces Qualification Test is below a prescribed level**

(a) The number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in any armed force during any fiscal year whose score on the Armed Forces Qualification Test is at or above the tenth percentile and below the thirty-first percentile may not exceed 20 percent of the total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in such armed force during such fiscal year.

(b) A person who is not a high school graduate may not be accepted for enlistment in the armed forces unless the score of that person on the Armed Forces Qualification Test is at or above the thirty-first percentile; however, a person may not be denied enlistment in the armed forces solely because of his not having a high school diploma if his enlistment is needed to meet established strength requirements.

(Added Pub. L. 96-342, title III, § 302(b)(1), Sept. 8, 1980, 94 Stat. 1082; amended Pub. L. 96-579, § 9, Dec. 23, 1980, 94 Stat. 3368; Pub. L. 97-86, title IV, § 402(b)(1), Dec. 1, 1981, 95 Stat. 1104; Pub. L. 98-94, title XII, § 1268(3), Sept. 24, 1983, 97 Stat. 705; Pub. L. 100-370, § 1(a)(1), July 19, 1988, 102 Stat. 840.)

**HISTORICAL AND REVISION NOTES  
1988 ACT**

Amendment of subsection (b) is based on Pub. L. 93-307, title IV, § 401, June 8, 1974, 88 Stat. 234, as amended by Pub. L. 93-365, title VII, § 705, Aug. 5, 1974, 88 Stat. 406.

**AMENDMENTS**

1988—Subsec. (b). Pub. L. 100-370 inserted before period at end “; however, a person may not be denied enlistment in the armed forces solely because of his not having a high school diploma if his enlistment is needed to meet established strength requirements”.

1983—Subsec. (a). Pub. L. 98-94 struck out provisions under which, for fiscal years beginning on October 1, 1980, and October 1, 1981, the total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in the armed forces during such fiscal years whose score on the Armed Forces Qualification Test was at or above the tenth percentile and below the thirty-first percentile could not exceed 25 percent of the number of such persons enlisted or inducted into the armed forces during such fiscal years, and, in the provisions remaining applicable to fiscal years beginning after Sept. 30, 1982, substituted “20 percent of the total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in such armed force” for “20 percent of the number of such persons enlisted or inducted into such armed force”.

1981—Pub. L. 97-86 designated existing provisions as subsec. (a) and added subsec. (b).

1980—Pub. L. 96-579 struck out subsec. (a) designation and subsec. (b) authorizing the Secretary of Defense for national security reasons to waive the enlistment and induction limitation based on percentile limits conditioned upon notification of the Congress and a concurrent resolution of approval.

**EFFECTIVE DATE OF 1981 AMENDMENT**

Section 402(b)(2) of Pub. L. 97-86 provided that: “The amendments made by paragraph (1) [amending this sec-

tion] shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act [Dec. 1, 1981].”

**PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTMENT IN ARMED FORCES**

Pub. L. 105-261, div. A, title V, § 571, Oct. 17, 1998, 112 Stat. 2033, as amended by Pub. L. 106-65, div. A, title X, § 1067(3), Oct. 5, 1999, 113 Stat. 774, directed the Secretary of Defense to establish a pilot program during the period Oct. 1, 1998, to Sept. 30, 2003, to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining eligibility of those persons to enlist in the Armed Forces, and to submit to committees of Congress a report on the program not later than Feb. 1, 2004.

**MAXIMUM NUMBER OF ARMY ENLISTEES AND INDUCTEES WHO ARE NOT HIGH SCHOOL GRADUATES**

Pub. L. 96-342, title III, § 302(a), Sept. 8, 1980, 94 Stat. 1082, as amended by Pub. L. 97-86, title IV, § 402(a), Dec. 1, 1981, 95 Stat. 1104; Pub. L. 97-252, title IV, § 403, Sept. 8, 1982, 96 Stat. 725; Pub. L. 98-94, title IV, § 402, Sept. 24, 1983, 97 Stat. 629; Pub. L. 98-525, title IV, § 402, Oct. 19, 1984, 98 Stat. 2516; Pub. L. 99-145, title IV, § 402, Nov. 8, 1985, 99 Stat. 618, provided that the number of male individuals enlisted or inducted into the Army during the fiscal year beginning on Oct. 1, 1985, who were not high school graduates could not exceed, as of Sept. 30, 1986, 35 percent of all male individuals enlisted or inducted into the Army during such fiscal year.

**DENIAL OF ENLISTMENT FOR LACK OF HIGH SCHOOL DIPLOMA PROHIBITED**

Pub. L. 93-307, title IV, § 401, June 8, 1974, 88 Stat. 234, as amended by Pub. L. 93-365, title VII, § 705, Aug. 5, 1974, 88 Stat. 406, which provided that no volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma when his enlistment is needed to meet established strength requirements, was repealed and restated in sections 520(b) and 3262 of this title by Pub. L. 100-370, § 1(a), July 19, 1988, 102 Stat. 840.

**[§ 520a. Repealed. Pub. L. 106-398, § 1 [div. A], title X, § 1076(g)(1), Oct. 30, 2000, 114 Stat. 1654, 1654A-282]**

Section, added Pub. L. 97-252, title XI, § 1114(c)(1), Sept. 8, 1982, 96 Stat. 749; amended Pub. L. 104-106, div. A, title XV, § 1502(a)(1), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774, related to criminal history information for military recruiting purposes.

**§ 520b. Applicants for enlistment: authority to use funds for the issue of authorized articles**

Funds appropriated to the Department of Defense may be used for the issue of authorized articles to applicants for enlistment.

(Added Pub. L. 98-525, title XIV, § 1401(a)(1), Oct. 19, 1984, 98 Stat. 2614; amended Pub. L. 99-145, title XIII, § 1303(a)(4)(A), Nov. 8, 1985, 99 Stat. 738.)

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in the following appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(h) [title VIII, § 8006], 98 Stat. 1904, 1923.

Dec. 8, 1983, Pub. L. 98-212, title VII, § 709, 97 Stat. 1439.

Dec. 21, 1982, Pub. L. 97-377, title I, §101(c) [title VII, §709], 96 Stat. 1833, 1851.

Dec. 29, 1981, Pub. L. 97-114, title VII, §709, 95 Stat. 1579.

Dec. 15, 1980, Pub. L. 96-527, title VII, §709, 94 Stat. 3081.

Dec. 21, 1979, Pub. L. 96-154, title VII, §709, 93 Stat. 1153.

Oct. 13, 1978, Pub. L. 95-457, title VIII, §809, 92 Stat. 1244.

Sept. 21, 1977, Pub. L. 95-111, title VIII, §808, 91 Stat. 900.

Sept. 22, 1976, Pub. L. 94-419, title VII, §708, 90 Stat. 1292.

Feb. 9, 1976, Pub. L. 94-212, title VII, §708, 90 Stat. 169.

Oct. 8, 1974, Pub. L. 93-437, title VIII, §808, 88 Stat. 1225.

Jan. 2, 1974, Pub. L. 93-238, title VII, §708, 87 Stat. 1039.

Oct. 26, 1972, Pub. L. 92-570, title VII, §708, 86 Stat. 1197.

Dec. 18, 1971, Pub. L. 92-204, title VII, §708, 85 Stat. 728.

Jan. 11, 1971, Pub. L. 91-668, title VIII, §808, 84 Stat. 2031.

Dec. 29, 1969, Pub. L. 91-171, title VI, §608, 83 Stat. 480.

Oct. 17, 1968, Pub. L. 90-580, title V, §507, 82 Stat. 1130.

Sept. 29, 1967, Pub. L. 90-96, title VI, §607, 81 Stat. 242.

Oct. 15, 1966, Pub. L. 89-687, title VI, §607, 80 Stat. 991.

Sept. 29, 1965, Pub. L. 89-213, title VI, §607, 79 Stat. 874.

Aug. 19, 1964, Pub. L. 88-446, title V, §507, 78 Stat. 475.

Oct. 17, 1963, Pub. L. 88-149, title V, §507, 77 Stat. 264.

Aug. 9, 1962, Pub. L. 87-577, title V, §507, 76 Stat. 328.

Aug. 17, 1961, Pub. L. 87-144, title II, §201, 75 Stat. 367, 369.

July 7, 1960, Pub. L. 86-601, title II, §201, 74 Stat. 340, 342.

Aug. 18, 1959, Pub. L. 86-166, title II, §201, 73 Stat. 368, 370.

Aug. 22, 1958, Pub. L. 85-724, title III, §301, title V, §501, 72 Stat. 714, 721.

Aug. 2, 1957, Pub. L. 85-117, title III, §301, title V, §501, 71 Stat. 314, 321.

July 2, 1956, ch. 488, title III, §301, title V, §501, 70 Stat. 457, 464.

July 13, 1955, ch. 358, title III, §301, title V, §501, 69 Stat. 304, 312.

June 30, 1954, ch. 432, title IV, §401, title VI, §601, 68 Stat. 339, 347.

Aug. 1, 1953, ch. 305, title III, §301, title V, §501, 67 Stat. 339, 348.

July 10, 1952, ch. 630, title III, §301, title V, §501, 66 Stat. 520, 530.

Oct. 18, 1951, ch. 512, title III, §301, title V, §501, 65 Stat. 429, 443.

Sept. 6, 1950, ch. 896, Ch. X, title III, §301, title V, §501, 64 Stat. 735, 750.

Oct. 29, 1949, ch. 787, title III, §301, title V, §501, 63 Stat. 992, 1015.

June 24, 1948, ch. 632, 62 Stat. 655.

July 30, 1947, ch. 357, title I, §1, 61 Stat. 557.

July 16, 1946, ch. 583, §1, 60 Stat. 547, 548.

July 3, 1945, ch. 265, §1, 59 Stat. 390.

June 28, 1944, ch. 303, §1, 58 Stat. 580.

July 1, 1943, ch. 185, §1, 57 Stat. 354.

July 2, 1942, ch. 477, §1, 56 Stat. 617.

June 30, 1941, ch. 262, §1, 55 Stat. 373.

June 13, 1940, ch. 343, §1, 54 Stat. 358, 359.

Apr. 26, 1939, ch. 88, §1, 53 Stat. 600.

June 11, 1938, ch. 37, §1, 52 Stat. 649.

July 1, 1937, ch. 423, §1, 50 Stat. 450.

May 15, 1936, ch. 404, §1, title I, 49 Stat. 1286.

Apr. 9, 1935, ch. 54, §1, title I, 49 Stat. 128.

Apr. 26, 1934, ch. 165, title I, 48 Stat. 621.

Mar. 4, 1933, ch. 281, title I, 47 Stat. 1577.

July 14, 1932, ch. 482, title I, 47 Stat. 670, 671.

Feb. 23, 1931, ch. 279, title I, 46 Stat. 1283, 1284.

May 28, 1930, ch. 348, title I, 46 Stat. 438.

Feb. 28, 1929, ch. 366, title I, 45 Stat. 1356.

Mar. 23, 1928, ch. 232, title I, 45 Stat. 332.

Feb. 23, 1927, ch. 167, title I, 44 Stat. 1113.

Apr. 15, 1926, ch. 146, title I, 44 Stat. 262.

Feb. 12, 1925, ch. 225, title I, 43 Stat. 900.

#### AMENDMENTS

1985—Pub. L. 99-145 substituted “enlistment” for “enlistments”.

#### EFFECTIVE DATE

Section 1404 of Pub. L. 98-525 provided that: “The amendments made by sections 1401 [enacting this section and sections 956, 979 to 981, 1047 to 1050, 1074b [now 1074c], 1093, 1589, 2007 to 2009, 2484, 2638, and 2639 of this title, amending sections 1074, 1077, 1079, 2104, and 7204 of this title, and repealing section 7208 of this title], 1402 [enacting section 306a of Title 37, Pay and Allowances of the Uniformed Services, and amending sections 206 and 404 of Title 37], and 1403 [amending provisions set out as a note under section 138 of this title and repealing provisions set out as notes under sections 138 and 2102 of this title] take effect on October 1, 1985.”

### § 520c. Recruiting functions: provision of meals and refreshments

Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense for recruitment of military personnel may be expended for small meals and refreshments during recruiting functions for the following persons:

(1) Persons who have enlisted under the Delayed Entry Program authorized by section 513 of this title.

(2) Persons who are objects of armed forces recruiting efforts.

(3) Persons whose assistance in recruiting efforts of the military departments is determined to be influential by the Secretary concerned.

(4) Members of the armed forces and Federal employees when attending recruiting functions in accordance with a requirement to do so.

(5) Other persons whose presence at recruiting functions will contribute to recruiting efforts.

(Added Pub. L. 104-201, div. A, title III, §361(a), Sept. 23, 1996, 110 Stat. 2491; amended Pub. L. 107-107, div. A, title V, §545, Dec. 28, 2001, 115 Stat. 1113; Pub. L. 108-136, div. A, title X, §1031(a)(8)(A), Nov. 24, 2003, 117 Stat. 1596.)

#### AMENDMENTS

2003—Pub. L. 108-136 substituted “provision of meals and refreshments” for “use of funds” in section catchline, struck out “(a) PROVISION OF MEALS AND REFRESHMENTS.—” before “Under regulations”, and struck out heading and text of subsec. (b). Text read as follows: “Not later than February 1 of each of the years 1998 through 2002, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.”

2001—Subsec. (a)(4). Pub. L. 107-107, §545(b)(1), substituted “recruiting functions” for “recruiting events”.

Subsec. (a)(5). Pub. L. 107-107, §545(b)(2), substituted “presence at recruiting functions” for “presence at recruiting efforts”.

Subsec. (c). Pub. L. 107-107, §545(a), struck out heading and text of subsec. (c). Text read as follows: “The authority in subsection (a) may not be exercised after September 30, 2001.”

## CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

- Sec.  
521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories.
- [522. Repealed.]
523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.
- [524. Renumbered.]
525. Distribution of commissioned officers on active duty in general officer and flag officer grades.
526. Authorized strength: general and flag officers on active duty.
527. Authority to suspend sections 523, 525, and 526.
528. Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances.

### AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, § 501(b)(2), Oct. 17, 2006, 120 Stat. 2176, substituted “Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances” for “Exclusion: officers serving in certain intelligence positions” in item 528.

Pub. L. 109-163, div. A, title V, § 507(b), Jan. 6, 2006, 119 Stat. 3228, substituted “Exclusion: officers serving in certain intelligence positions” for “Exclusion: Associate Director of Central Intelligence for Military Support” in item 528.

2004—Pub. L. 108-375, div. A, title V, § 501(b)(2), Oct. 28, 2004, 118 Stat. 1873, struck out item 522 “Authorized total strengths: regular commissioned officers on active duty”.

2003—Pub. L. 108-136, div. A, title V, § 507(b), Nov. 24, 2003, 117 Stat. 1458, added item 528.

2001—Pub. L. 107-107, div. A, title V, § 501(b), Dec. 28, 2001, 115 Stat. 1079, struck out item 528 “Limitation on number of officers on active duty in grades of general and admiral”.

1994—Pub. L. 103-337, div. A, title IV, § 405(b)(2), title XVI, § 1671(b)(4), Oct. 5, 1994, 108 Stat. 2745, 3013, struck out item 524 “Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain”, struck out “524,” after “523,” in item 527, and added item 528.

1988—Pub. L. 100-370, § 1(b)(3), July 19, 1988, 102 Stat. 840, struck out former item 526 “Authority to suspend sections 523, 524, and 525”, and added items 526 and 527.

1984—Pub. L. 98-525, title IV, § 414(a)(4)(B)(ii), inserted references to the National Guard and to full-time National Guard duty in item 524.

### § 521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories

(a) Whenever the needs of the services require, but at least once each fiscal year, the Secretary of Defense shall prescribe the total authorized active-duty strength as of the end of the fiscal year for officers in grades above chief warrant officer, W-5, for each of the armed forces under the jurisdiction of the Secretary of a military department.

(b) Under regulations prescribed by the Secretary of Defense, the Secretary of each mili-

tary department may, for an armed force under his jurisdiction, prescribe the strength of any category of officers that may serve on active duty.

(Added Pub. L. 96-513, title I, § 103, Dec. 12, 1980, 94 Stat. 2841; amended Pub. L. 102-190, div. A, title XI, § 1131(1)(A), Dec. 5, 1991, 105 Stat. 1505.)

### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-190 substituted “chief warrant officer, W-5,” for “warrant officer (W-4)”.

### EFFECTIVE DATE OF 1991 AMENDMENT

Section 1132 of title XI of Pub. L. 102-190 provided that: “This title [enacting sections 571 to 583 and 742 of this title, amending this section, sections 522, 597 [now 12241], 598 [now 12242], 603, 628, 644, 741, 1166, 1174, 1305, 1406, 5414, 5457, 5458, 5501 to 5503, 5596, 5600, 5665, 6389, and 6391 of this title, sections 286a and 334 of Title 14, Coast Guard, and sections 201, 301, 301c, 305a, and 406 of Title 37, Pay and Allowances of the Uniformed Services, repealing sections 555 to 565, 602, and 745 of this title, and enacting provisions set out as notes under sections 555 and 571 of this title and section 1009 of Title 37] and the amendments made by this title shall take effect on February 1, 1992.”

### EFFECTIVE DATE

Chapter effective Sept. 15, 1981, but the authority to prescribe regulations under this chapter effective Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

### TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

### EVALUATION OF EFFECTS OF OFFICER STRENGTH REDUCTIONS ON OFFICER PERSONNEL MANAGEMENT SYSTEMS

Pub. L. 102-484, div. A, title V, § 502, Oct. 23, 1992, 106 Stat. 2402, directed the Secretary of Defense to provide for an independent, federally funded research and development center to review the officer personnel management system of each of the military departments and to determine and evaluate the effects of post-Cold War officer strength reductions on that officer personnel management system, required the center to submit to the Secretary of Defense a report on the results of the review and evaluation not later than Dec. 31, 1993, and directed the Secretary to transmit the report to committees of Congress within 60 days after receipt.

### STRENGTH OF ACTIVE DUTY OFFICER CORPS

Pub. L. 100-456, div. A, title IV, § 402(c), Sept. 29, 1988, 102 Stat. 1963, provided that:

“(1) The number of officers serving on active duty (excluding officers in categories specified in paragraph (2)) as of September 30, 1990, may not exceed—

“(A) in the case of the Army, 106,427; and

“(B) in the case of the Air Force, 102,438.

“(2) Officers in the categories described in section 403(b) of the National Defense Authorization Act for Fiscal Year 1987 [Pub. L. 99-661, set out below] shall be excluded in counting officers under this subsection.”

Pub. L. 100-180, div. A, title IV, § 402, Dec. 4, 1987, 101 Stat. 1081, as amended by Pub. L. 100-456, div. A, title IV, § 402(b), Sept. 29, 1988, 102 Stat. 1963, provided that:

“(a) AUTHORITY TO INCREASE FOR FISCAL YEAR 1988.—Subject to subsection (b), the Secretary of Defense may